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Before the
Federal Communications Commission
Washington, D.C. 20554

APR 13 1992

Federal Communications Commission
Office of the Secretary

MM Docket No. 92-6

In re Applications of

NORMAN
BROADCASTING CORP.

For Renewal of License of
Station WYLR(FM) (95.9 Mhz)
Glens Falls, New York

and

LAWRENCE N. BRANDT

For a Construction Permit for
a new FM Station on 95.9 Mhz
at Glens Falls, New York

File No. BR-910129UR

File No. BPH-910430MB

To: Administrative Law Judge
Richard L. Sippel

"OPPOSITION TO PETITION TO MODIFY AND ENLARGE ISSUES"

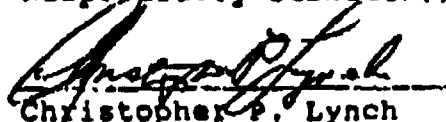
1. We attach as Exhibit 1, a copy of parts of WYLR's 303-S directly from our Public File. Note question 18 (Public Inspection File) is clearly checked "No" and our Exhibit 4 explains some possible discrepancies. While it is to our embarrassment that our clerical efforts do not always match our broadcasting efforts, any Brandt effort to claim that we tried to hide our errors is clearly false and defamatory. We have honestly tried to maintain an accurate file over the license period, been honest with the FCC, and if we fell short, we have learned from past errors.
2. We submit that this "Supplement" was not filed on a timely basis and thus deserves no further consideration as a matter of law and of fairness.
3. Attached as Exhibit ² are the affidavits of Betty Trombley and Francis Shoupe who personally witnessed the Frasier visit, directly disputing Ms. Frasier's affidavit. These affidavits were filed

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List A B C D E

August 3, 1990 in MM Docket No. 90-181 in a Normandy's "Petition To Add Abuse Of Process And Related Issues Against Bradmark Broadcasting Company"

4. We note that the Lynch Declaration specifically states "quarterly lists... Some of which were attached to Bradmark Broadcasting Company's Opposition." Brandt disingenuously twists Lynch's Declaration to say something quite different in his Petition.
5. These quarterly lists were used repeatedly to catalogue efforts of Normandy in compiling submissions for the NAB's "Chrystal" (conspicuous public service) awards. It is quite possible a number of the original lists were inadvertently misplaced in this process.
6. As the Public File was previously placed in a public place it is very possible that these files could have been tampered with and papers stolen. As in other small markets, personnel move from one station to another in Glens Falls. Public Files are now behind lock and key.
7. It is noted that in Brandt's "Exhibit B" he introduces, uncontested, no less than 31 instances of WYLR's programming to meet specific public needs and/or interests over the license period. These, in addition to WYLR's News, weather, and sports, both local and through the ABC network would go a long way to prove a more than adequate performance over the period in question.
8. We further submit that it is preposterous to imagine Lynch deliberately lying in this matter, which at worst is a clerical or administrative matter even if all allegations are true. Lynch attended an NAB/ NY State Broadcasters Seminar on renewal a year previously in an honest effort to avoid just this problem. At this seminar it was stated by experts that even if paperwork had been placed in a file late, their advice would be to simply be honest and attach an explanation to the renewal for the discrepancy as Lynch obviously did in this case.
9. Therefore, whereas Brandt has fallen woefully short of establishing a prima facie case in this matter, we respectfully request the court to deny Brandt's Petition To Modify And Enlarge Issues.

Respectfully Submitted,


Christopher P. Lynch
President, Normandy Broadcasting Corp
217 Dix Avenue
Glens Falls, NY 12801
(518) 793-4444

13 April, 1992

CPL/ra

DECLARATION

I, BETTY E. TROMBLEY, declare:

1. I am the Chief Bookkeeper for Normandy Broadcasting Corporation, licensee of Stations WWSO/WYLA (FM), Glens Falls, New York.

2. On June 22, 1990, I entered the reception area of the Stations and found that there was a female going through the public file. I waited for Jessica Bennett, receptionist, to return and she told me the woman was a Sherree Frasier and she was getting materials for her sister's school paper. It was very busy that day and Jessica was trying to answer the phones and make copies of the public file for Ms. Frasier. I suggested to Ms. Frasier and Jessica that perhaps, if it wouldn't be a great inconvenience, Ms. Frasier could stop back about 4 P.M. to pick up the lists that had not yet been photocopied. Ms. Frasier agreed that this arrangement would be fine.

3. When Ms. Frasier returned later that afternoon, I went back to the reception area to see if I could be of any assistance. As I remember, Jessica was telling Ms. Frasier that there was more material relating to the Stations' programming. Jessica asked Ms. Frasier whether she want Jessica to copy that

material for her. Ms. Frasier said that it would not be necessary, and that she had obtained enough information.

Dated: August 3, 1990

Betty E. Trumbley
Betty E. Trumbley

DECLARATION

I, FRANCIS C. SHOUPÉ, JR., declare:

1. I am the Chief Engineer for Normandy Broadcasting Corporation, licensee of Stations WHSC/WYLR(FM), Glens Falls, New York.

2. On the morning of June 22, 1990, I was told by Jessica Bennett, Normandy's receptionist, that someone was in the office requesting to see the WHSC and WYLR(FM) public inspection files and had requested copies of the files. Jessica told me that the person had said that she was doing research for a term paper for her sister.

3. Jessica asked me for guidelines on how to proceed. After reading Section 73.3526 of the current FCC Rules and Regulations, I told Jessica that she should get the name of the person and that we would provide machine copying at our cost. I later called Jessica and told her the cost would be 0.05¢ per page.

4. Later, I was in the front office and was present when Jessica gave the person, whom I now know is Sherrae Frasier, copies Jessica had made from the file. Jessica told Ms. Frasier there were many other items in the file and

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that Jessica would be able to copy them the next day. Ms. Frasier said she did not want any further documents.

5. I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 3, 1990

Francis C. Shoups (R)
Francis C. Shoups

Is application in compliance with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? ☒ Yes ☐ No

If No, attach as Exhibit No. _____ an explanation.

6. Since the filing of the applicant's last renewal application for this station or other major application, has an adverse finding been made or final action been taken by any court or administrative body with respect to the applicant or parties to the application in a civil or criminal proceeding, brought under the provisions of any law relating to the following: any felony; broadcast related antitrust or unfair competition; criminal fraud or fraud before another governmental unit; or discrimination? See exhibit 2 ☐ Yes ☒ No

If Yes, attach as Exhibit No. _____ a full description of the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers) and the disposition of the litigation.

7. Would a Commission grant of this application come within 47 C.F.R. Section 1.1307, such that it may have a significant environmental impact? ☐ Yes ☒ No

If Yes, attach as Exhibit No. _____ an Environmental Assessment required by 47 C.F.R. Section 1.1311.

If No, explain briefly why not, Exhibit 3

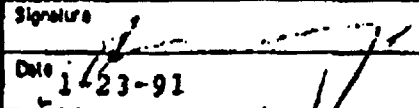
8. Has the applicant placed in its station's public inspection file at the appropriate times the documentation required by 47 C.F.R. Sections 73.3526 or 73.3627? ☐ Yes ☒ No

If No, attach as Exhibit No. _____ a complete statement of explanation.

The APPLICANT hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

CERTIFICATION: I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Name Christopher P. Lynch	Signature 
Title President and General Manager	Date 1-23-91

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT, U.S. CODE, TITLE 18, SECTION 1001.

WWSC

1450 AM

**Normandy Broadcasting Corporation 48 FM**

AN AFFILIATE OF THE AMERICAN BROADCASTING COMPANY

217 Dix Ave., Glens Falls, NY 12501 • 518-793-4444 • Fax 798-9374

EXHIBIT 4

8. We believe we have, and in good faith, have attempted, to place all appropriate documentation required by 47 C.F.R. sections 73.3526 or 73.3527 to be in our files at the appropriate times. Upon close examination, one of these reports was missing. The only logical explanation is that in preparing applications for the NAB's Crystal Awards recognizing superior public service accomplishments, (we have been one of 50 finalists nationwide for the past 3 years) we referred to this quarter and then misplaced it. Also, upon a close examination a few quarterly lists seemed to inadequately reflect our efforts. While these lists were timely filed, I drafted additions to them, and with cover letters clearly showing the dates they were completed made them part of our issues/programs lists. I have also annexed our above mentioned Crystal Award entries to our issues/program lists and I believe not only are we in compliance with 47 C.F.R. Sections 73.3526 or 73.3527, but that this file fairly reflects our services to our community of license.

CERTIFICATE OF SERVICE

I, ROSE M. ANGELO, a secretary in the office of Normandy Broadcasting Corporation do hereby certify that a copy of the foregoing ~~PROOF OF~~ ^{OPPOSITION TO} ~~PETITION TO MODIFY AND ENLARGE ISSUES~~ ~~PUBLICATION~~ has been sent via U.S. Mail, First-Class postage prepaid

this 13th day of April, 1992 to the following:

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